



City of Gardner, Massachusetts

Office of the City Council

CALENDAR FOR THE MEETING

of

TUESDAY, FEBRUARY 16, 2021

REMOTELY\*

7:30 P.M.

RECEIVED

2021 FEB 11 PM 3:15

CITY CLERK'S OFFICE  
GARDNER, MA

### ORDER OF BUSINESS

- I. CALL TO ORDER
- II. CALL OF THE ROLL OF COUNCILLORS
- III. OPENING PRAYER
- IV. PLEDGE OF ALLEGIANCE
- V. ANNOUNCEMENT OF OPEN MEETING RECORDINGS

Any person may make a video or audio recording of an open session of a meeting, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recording shall notify the Chair forthwith. All documents and exhibits used or referenced at the meeting must be submitted in duplicate to the City Clerk, as they become part of the Meeting Minutes.

- VI. READING OF MINUTES OF PRIOR MEETING(S)

Reading and Approval of the Minutes of the February 1, 2021 Regular Meeting.

- VII. PUBLIC HEARINGS

10394 – A Petition by National Grid and Verizon New England, Inc. to install one (1) JO Pole on Manca Drive beginning at a point approximately 485 feet south of the centerline of the intersection of West Broadway and Manca Drive and continuing approximately 17 feet in an east direction. Installing one (1) JO Pole in the public way of Manca Drive for commercial service of 440 West Broadway.

- VIII. COMMUNICATIONS FROM THE MAYOR

#### ORDERS

10395 – An Order Appropriating \$265,000.00 from Free Cash to Mayor's Unclassified Building Demo Account.

**IX. PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.**

**X. REPORTS OF STANDING COMMITTEES**

**PUBLIC SERVICE COMMITTEE**

**10394** – A Petition by National Grid and Verizon New England, Inc. to install one (1) JO Pole on Manca Drive beginning at a point approximately 485 feet south of the centerline of the intersection of West Broadway and Manca Drive and continuing approximately 17 feet in an east direction. Installing one (1) JO Pole in the public way of Manca Drive for commercial service of 440 West Broadway *(In the City Council and Referred to Public Service Committee, 2/1/2021.)*

**XI. UNFINISHED BUSINESS AND MATTERS FOR RECONSIDERATION**

**XII. NEW BUSINESS**

**XIII. CLOSING PRAYER**

**XIV. ADJOURNMENT**

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Items listed on the Council Calendar are those reasonably anticipated by the Council President to be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

*\*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Gardner City Council will be conducted via remote participation and broadcast live on Gardner Educational Television, Channel 8, and on the City's YouTube Channel. The audio or video recording, transcript, or other comprehensive record of proceedings will be posted on the City's website as soon as possible after the meeting.*

**REGULAR MEETING OF FEBRUARY 1, 2021**

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Regular Meeting of the City Council was held remotely on Monday evening, February 1, 2021.

**CALL TO ORDER**

Council President Kazinskas called the meeting to order at 7:30 o'clock p.m.

**CALL OF THE ROLL**

City Clerk Titi Siriphan called the Roll of Members. Eleven (11) Councillors were present including Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, Elizabeth Kazinskas, George Tyros, and James Walsh.

**OPENING PRAYER**

President Kazinskas led the Council in reciting the Opening Prayer.

**PLEDGE OF ALLEGIANCE**

President Kazinskas led the Council in reciting the "Pledge of Allegiance".

**OPEN MEETING RECORDING & PUBLIC RECORDS ANNOUNCEMENT**

President Kazinskas announced that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Gardner City Council will be conducted via remote participation and broadcast live on Gardner Educational Television, Channel 8, and on the City's YouTube Channel. The audio or video recording, transcript, or other comprehensive record of proceedings will be posted on the City's website as soon as possible after the meeting. She added that since the meeting is being conducted via **Zoom**, that all votes taken would be by roll call and asked Councillors to raise their hands to be recognized.

**READING & ACCEPTANCE OF MINUTES**

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on call of the roll, it was voted eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to waive reading and to accept the Minutes of the January 19, 2021 as printed.

REGULAR MEETING OF FEBRUARY 1, 2021

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COMMUNICATIONS FROM THE MAYOR**#10389**

Submission of the State of the City Address for File.

President Kazinskas apologized to the Mayor because she meant to mention this at the end of the last meeting under new business and didn't.

Councillor Walsh stated that he would like to congratulate the Mayor on the first State of the City Address. It was well prepared, thought out well, and well delivered. It touched on a variety of topics.

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on recommendation of President Kazinskas, it was voted on call of the roll, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to place the State of the City Address for File.

ORDERS**#10390**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted favorably to recommend the Authorization. He stated that this was part of the continuation of the downtown water and improvement projects from last year. It will take care of the sidewalks, street lighting, the ADA compliant ramps, and safety signaling and improvements on the West Street parking lot. This is a timely important project to go along with the water main projects as they are completed.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted on call of the roll, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to adopt the following Authorization:

AN ORDER APPROPRIATING FROM FREE CASH TO DOWNTOWN INFRASTRUCTURE PROJECT PHASE II ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of One Hundred Fifty-Five Thousand Dollars and No Cents (\$155,000.00) from Free Cash to Downtown Infrastructure Project Phase II Account.



## REGULAR MEETING OF FEBRUARY 1, 2021

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Presented to the Mayor for Approval – February 3, 2021

Approved – February 3, 2021

MICHAEL J. NICHOLSON, Mayor

**#10391**

Reporting for the Finance Committee, Councillor Ronald Cormier informed the Council that the Committee voted favorably to recommend the Authorization. He stated that this was a Smart Street Program. It will also include a hawk signaling which are bright strobe lights to be placed by the hospital. This will help improve pedestrian safety. The project will need to go out to bid very soon.

On a motion by Councillor Ronald Cormier and seconded by Councillor James Walsh, on recommendation of the Finance Committee, it was voted on call of the roll, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to adopt the following Authorization:

AN ORDER APPROPRIATING FROM FREE CASH TO COMPLETE STREET EXPENSE ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of Two Hundred Thousand Dollars and No Cents (\$200,000.00) from Free Cash to Complete Street Expense Account.

Presented to the Mayor for Approval – February 3, 2021

Approved – February 3, 2021

MICHAEL J. NICHOLSON, Mayor

**#10392**

Reporting for the Finance Committee, Councillor James Walsh informed the Council that the Committee voted favorably to recommend the Authorization. He stated that this was the City's share of \$445,000.00 project. The remainder of which would be funded by the Mass Trails Program. It's an application for this grant that would provide design services for extending the bike trail or multi-use path from the old National Grid substation on Park Street.

AN ORDER APPROPRIATING FROM FREE CASH TO MASS TRAIL IMPROVEMENT EXPENSE ACCOUNT.

ORDERED: That there be and is hereby appropriated the sum of One Hundred Forty Five Thousand Five Hundred Dollars and No Cents (\$145,500.00) from Free Cash to Mass Trail Improvement Expense Account.



## REGULAR MEETING OF FEBRUARY 1, 2021

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Presented to the Mayor for Approval – February 3, 2021

Approved – February 3, 2021

MICHAEL J. NICHOLSON, Mayor

**PETITIONS, APPLICATIONS, COMMUNICATIONS, ETC.**

**#10393**

On a motion by Councillor James Walsh and seconded by Councillor Ronald Cormier, on call of the roll, it was voted eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to place on file *A Communication from the Mayor Relative to the Appointment of Kevin McInerney to the position of Contributory Retirement Board for term expiring 1/26/2024.*

Worcester, ss.

February 4, 2021

Then personally appeared **KEVIN MCINERNEY** and made oath that she would faithfully and impartially perform the duties of **CONTRIBUTORY RETIREMENT BOARD** according to law and the best of his abilities.

Before me,

/s/ Faith A. Glover, Assistant City Clerk

**#10394**

On a motion by Councillor Nathan Boudreau and seconded by Councillor Judy Mack, it was voted on call of the roll, eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to schedule a Public Hearing and to Refer to the Public Service Committee for study and report the *Petition by National Grid and Verizon New England, Inc. to install one (1) JO Pole on Manca Drive beginning at a point approximately 485 feet south of the centerline of the intersection of West Broadway and Manca Drive and continuing approximately 17 feet in an east direction. Installing one (1) JO Pole in the public way of Manca Drive for commercial service of 440 West Broadway*



## REGULAR MEETING OF FEBRUARY 1, 2021

NEW BUSINESS

Councillor Boudreau stated that he wanted to share some information for the residents of Ward 3 regarding 177 West Street:

- This property has been a long standing issue and safety concerns that have increased
- If the building were to collapse it would fall onto Custom Auto Body building, the building next door or into the street
- Mayor Nicholson has reached out to the Mass Department of Environmental Protection to seek potential grant funding to assist with the possible chemical removal and demolition of this property
- He would like to thank Mayor Nicholson, Community Development and Planning Department, Building Department, and the Fire Department for their attention to this matter. He hopes it can be dealt with

Additionally, Councillor Boudreau mentioned that he would like to join two of his colleagues in stating something that he should have stated two weeks ago:

- He finds it ludicrous in nature that the City Solicitor would ask the City Council not speak on an issue that he personally has no privileged information on at all
- This is the second time this request was made to him. Once in 2017 and one this year
- In 2017 he brought a coil into the meeting and he was speaking about the issues a number of constituents in his ward were going through. Without any privileged information, without any information of lawsuits the he was aware of, he only had information portrayed to him by moving into Ward 3
- At that time, he didn't know his rights were as a City Councillor, so he stopped speaking about it. Every time someone would bring this issue up to him, he would tell the constituents that they can't talk about it, and file with the City Clerk's Office
- Looking back, he believes it was not right and inappropriate for him not to speak about this issue two weeks ago when Councillor Mack and Graves did. He commends them for bringing it up again.

Councillor Dernalowicz wanted to congratulate Judge Mark Goldstein for being appointed at the Gardner District Court as the first justice, a former attorney in town.

Councillor James Boone would like to thank Councillor Boudreau for bringing up his thoughts and opinions to the committee and public. Would like everyone to be safe out there with the first February storm going on.

Councillor Graves mentioned that Governor Baker signed a new law a few weeks ago that will change a lot of the zoning:

- It will change section 5, chapter 48.
- The purpose of it is to facilitate permitting and housing development in communities.

**REGULAR MEETING OF FEBRUARY 1, 2021**

- One change will be for certain zoning changes regarding votes going from two-thirds to majority vote.
- He is looking forward to getting some guidance from the law department as to how these changes are going to affect this City Council and the other boards and commissions in the city.

Councillor Walsh mentioned the changes to the zoning enabling act, chapter 40A that was passed by the Governor recently. He inquired about this earlier in the day with the City Solicitor as well as the Planning Director and learned in response that the department of housing and urban development is preparing for municipalities a comprehensive survey and analysis. It will provide guidance to all the cities and town about the manner which we will be affected by the various provisions in the amendments. The directors indicated that they will share that information with the Council upon receipt.

Councillor Ronald Cormier stated that he noticed that the Mayor and his cohorts have been trying to keep the public informed regarding the vaccination for the COVID 19 and would like to thank him for the efforts they've made. It has been a confusing situation. The rollout has not exactly been smooth and many of the constituents need help and they are trying to provide that.

President Kazinskas would like to echo what Councillor Ronald Cormier said about vaccine information and the city's efforts to be sure that our residents are informed and notified about the day by day, sometimes hour by hour process. She understands that the rollout was challenging and frustration for a lot of people and she appreciates that the city is doing its part to keep the residents informed and offering assistance as well.

**CLOSING PRAYER**

President Kazinskas led the Council in the Closing Prayer.

**ADJOURNMENT**

On a motion by Councillor Nathan Boudreau and seconded by Councillor Aleksander Dernalowicz, on call of the roll, it was voted eleven (11) yeas, President Elizabeth Kazinskas and Councillors James Boone, Nathan Boudreau, Craig Cormier, Ronald Cormier, Aleksander Dernalowicz, Scott Joseph Graves, Karen Hardern, Judy Mack, George Tyros, and James Walsh, to adjourn at 8:04 p.m.

**Accepted by the City Council:**



RECEIVED

2021 JAN 27 PM 12:08

Questions contact – Robert Williams 774-437-9206

**PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS**

CLERK'S OFFICE  
GARDNER, MA

**North Andover, Massachusetts**

To the City Council  
Of Gardner, Massachusetts

Massachusetts Electric Company d/b/a National Grid and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Manca Drive - National Grid to install 1 JO Pole on Manca Dr beginning at a point approximately 485 feet south of the centerline of the intersection of West Broadway and Manca Dr and continuing approximately 17 feet in an east direction. Installing 1 JO Pole in the public way of Manca Dr for commercial service of 440 West Broadway.

Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Manca Dr - Gardner - Massachusetts.

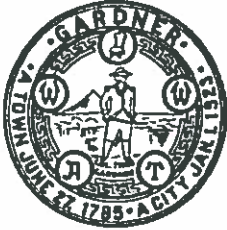
No. 29872108 January 13, 2021

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a National Grid  
BY Pat Cody  
Engineering Department

VERIZON NEW ENGLAND, INC.  
BY Albert C. Bessette  
Manager / Right of Way



**CITY OF GARDNER**  
**MASSACHUSETTS 01440-2630**

OFFICE OF THE  
**CITY CLERK**

Room 121, City Hall  
 Tel (978) 630-4058  
 Fax (978) 630-2589

RECEIVED

2021 FEB -4 PM 2:34

CITY CLERK'S OFFICE  
 GARDNER, MA

**NOTICE TO ABUTTERS**

February 3, 2021

TO ABUTTERS AND OTHER INTERESTED PARTIES:

Pursuant to the provisions of M.G.L., c. 166, §22, you are hereby notified that a Public Hearing will be conducted via remote participation\* on **TUESDAY, FEBRUARY 16, 2021 at 7:30 o'clock P.M.** on the petition of Massachusetts Electric Company, d/b/a NATIONAL GRID and Verizon New England, Inc. for permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, under along and across the following public way:

MANCA DRIVE – National Grid and Verizon New England, Inc. to install one (1) JO Pole on Manca Drive beginning at a point approximately 485 feet south of the centerline of the intersection of West Broadway and Manca Drive and continuing approximately 17 feet in an east direction. Installing one (1) JO Pole in the public way of Manca Drive for commercial service of 440 West Broadway.

A sketch of the proposed pole location is attached for your edification.

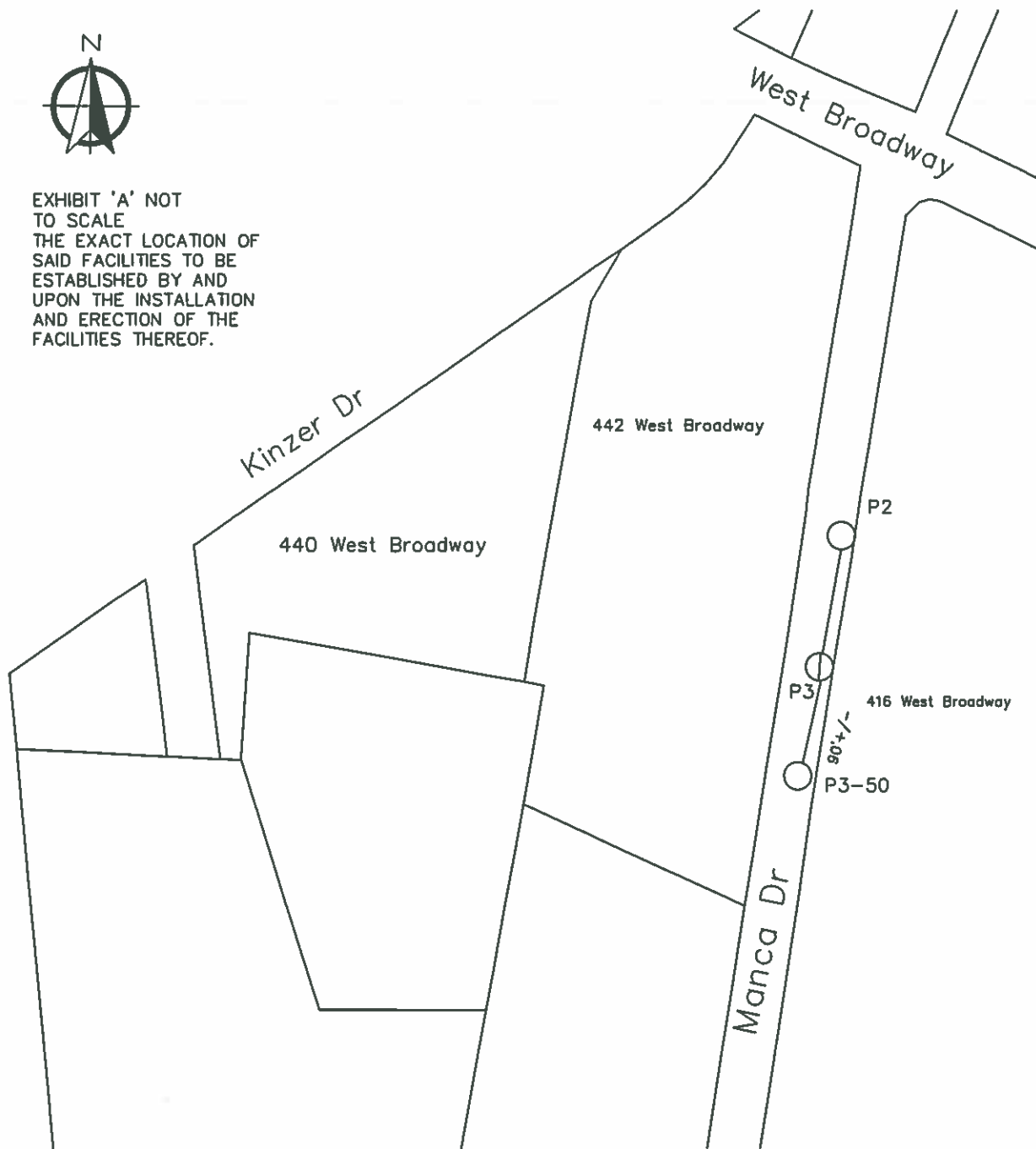
\*The Public Hearing will be conducted via **Zoom** Video Conferencing and broadcast live on Gardner Educational Television Channel 8 and on the City's YouTube Channel. Parties interested in testifying before the City Council are requested to contact City Clerk Titi Siriphan by calling **978-630-4058** or by e-mail at [tsiriphan@gardner-ma.gov](mailto:tsiriphan@gardner-ma.gov) to register and to obtain participation/call-in instructions.

CITY COUNCIL OF GARDNER

By: TITI SIRIPHAN  
 City Clerk



EXHIBIT 'A' NOT TO SCALE  
 THE EXACT LOCATION OF SAID FACILITIES TO BE ESTABLISHED BY AND UPON THE INSTALLATION AND ERECTION OF THE FACILITIES THEREOF.



LEGEND

- ⊕ Proposed JO Pole
- Existing JO Pole
- OH Wire

Petition Sketch

416 West Broadway Gardner, MA

Date: 12/28/20

Designer: WLLJRB

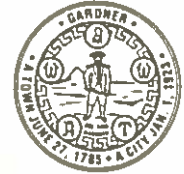
W/R: 29872108



City of Gardner, *Executive Department* RECEIVED

Michael J. Nicholson, Mayor

2021 FEB 11 PM 2:29



CITY CLERK'S OFFICE  
GARDNER, MA

February 11, 2021

Hon. Elizabeth J. Kazinskas, Council President  
And City Councilors  
Gardner City Hall, Rm 121  
95 Pleasant St  
Gardner, MA 01440

RE: Money Order- Demolition of 177 West Street

Dear President Kazinskas and Councilors,

On Thursday, February 11, myself along with Commissioner Jean, Director Beauregard, Attorney Flick, and Chief Lagoy met with representatives of the Massachusetts Department of Environmental Protection ("DEP") and the Federal Environmental Protection Agency ("EPA").

Both agencies have informed us that they will not be providing any funding for the demolition of the property located at 177 West Street due the issues causing the imminent emergency being structural in nature and not environmental. As such, they have deemed the demolition to fall outside the scope of their oversight. We have been informed that even if the building does contain hazardous materials, since there is no current evidence of any hazardous spills leaking outside the four walls of the structure that they will not be involved.

They have informed us that the demolition must be funded solely by the City and that after demolition is completed, if the City requests, the EPA may come out at that time to do a study of the area, however, that would have to be done separate of any demolition.

As such, I am re-submitting the request for appropriation for the demolition of the building, so that the building can be demolished to mitigate the potential public safety concern of the potential collapse of the structure onto the street or surrounding buildings.

Respectfully submitted,

Michael J. Nicholson  
Mayor, City of Gardner

AN ORDER APPROPRIATING FROM FREE CASH TO MAYOR'S UNCLASSIFIED  
BUILDING DEMO ACCOUNT.

ORDERED:

That there be and is hereby appropriated the sum of Two Hundred Sixty-Five Thousand  
Dollars and No Cents (\$265,000.00) from Free Cash to Mayor's Unclassified Building Demo  
Account.

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